

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TRUSTEES OF THE DISTRICT COUNCIL 9  
PAINTING INDUSTRY INSURANCE AND  
ANNUITY FUNDS,

Plaintiffs,

-v-

J.M. CHARLES PAINTING CORP.,

Defendant.

Case No. 08-CV-187 (KMK)

ORDER

KENNETH M. KARAS, District Judge:

Plaintiffs filed this ERISA action in connection with an alleged breach of a labor contract on January 9, 2008, and filed an affidavit of service on Defendant on January 29, 2008. On February 26, 2008, Plaintiffs moved for default judgment against Defendant, for which the Court set a return date of March 21, 2008. On March 19, 2008, Plaintiffs requested an adjournment until "early April 2008," which the Court granted. (Dkt. No. 7.) On May 9, 2008, Plaintiffs requested another adjournment until "July 2008," which the Court also granted. (Dkt. No. 8.) On July 14, 2008, Plaintiffs submitted a letter requesting a third adjournment of their court date, now set for July 16, 2008, until "late August or September." (Dkt. No. 9.)

Plaintiffs' Motion for Default Judgment has been pending for nearly four months, and yet Plaintiffs have indicated for the third time that they are not ready to proceed. Accordingly, the Motion is denied without prejudice to renewal and the court date on July 16, 2008, is cancelled. Plaintiffs are free to renew their Motion by one-page letter to the Court should circumstances warrant at a future date. The Clerk of Court is directed to terminate the pending motion on the Docket. A status conference in this case is set for Friday, September 26, 2008, at noon.

SO ORDERED.

Dated: July 15, 2008  
White Plains, New York

  
KENNETH M. KARAS  
UNITED STATES DISTRICT JUDGE